

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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LEONIDES DUVERNY,

**Case No.: 1:18-cv-07652-DLC**

Plaintiff,

- against -

HERCULES MEDICAL P.C., and HYPERION  
MEDICAL P.C., and ACHILLES MEDICAL P.C.,  
and GEOFFREY RICHSTONE, individually,

Defendants.  
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**DECLARATION OF MARJORIE MESIDOR, ESQ. IN SUPPORT OF  
PLAINTIFF LEONIDES DUVERNY’S MOTION TO DISMISS DEFENDANT HYPERION  
MEDICAL P.C.’s COUNTERCLAIM FOR FAILURE TO COMPLY WITH FEDERAL  
RULE OF CIVIL PROCEDURE 8(A)(1) AND/OR PURSUANT TO RULES 12(B)(1) OR  
12(B)(6) OR ALTERNATIVELY, IN THE EVENT THE COURT DENIES PLAINTIFF’S  
INSTANT MOTION, TO PERMIT PLAINTIFF TO AMEND HER COMPLAINT**

I, **MARJORIE MESIDOR**, am an attorney licensed by the State of New York and admitted to practice in the United States District Court of the Southern District of New York, pursuant to 28 U.S.C. § 1746, declare under the penalty of perjury that the following is true and correct based upon my knowledge, information, and belief:

1. I am a Partner at PHILLIPS & ASSOCIATES, PLLC, attorneys of record for the Plaintiff, LEONIDES DUVERNY (“Plaintiff”). I submit this Declaration in support of Plaintiff’s motion to dismiss Defendant Hyperion Medical P.C. (“Hyperion”)’s counterclaim pursuant to Fed. R. Civ. P. 8(a)(1) and/or 12(b)(1), or alternatively, 12(b)(6), or alternatively, in the event the Court denies Plaintiff’s instant motion, to permit Plaintiff to amend her Complaint.
2. A true and correct copy of Plaintiff’s original Complaint, Dkt. No. 1, filed August 22, 2018,

is attached hereto as **Exhibit A**.

3. A true and correct copy of Defendants Hercules Medical P.C., Hyperion Medical P.C., Achilles Medical P.C., and Geoffrey Richstone (collectively, as “Defendants”)’s Answer to the Complaint and Hyperion’s Counterclaim, Dkt. No. 13, filed September 20, 2018, is attached hereto as **Exhibit B**.
4. A true and correct copy of Plaintiff’s proposed amended complaint, with tracked changes marked, is attached hereto as **Exhibit C**.
5. I declare under penalty perjury that the foregoing is true and correct based upon my knowledge, information, and belief.

Dated: New York, New York  
October 11, 2018

By:                     /s/                      
MARJORIE MESIDOR (MM 1978)